

1887-021 Chancery Causes: James W. Orr vs. Comt. of Lavina Tyler
Lee Co.

Wynn

1 Plat

CA-Contract Dispute
T-Property

To the honorable John A Kelly Judge of the
Circuit Court of Lee County Virginia.

Humily Complaining, your orator, James
W Orr, would respectfully show unto your
honor, that he is the owner, by purchase, of
four fifths of a certain tract or parcel of
land lying and being in said County, on the
main road, about one and one fourth
~~and adjoining the land of plaintiff where he now resides~~
miles west of Jonesville, the said tract of
land consisting of two lots or parcels, ^{adjoining each other} one of
which descended to the widow and heirs of
Elkanah Wynn decd, from the said Elkanah,
and the other of said parcels descended to
the said heirs of the said Elkanah Wynn
from their uncle John Wynn deceased, and
your orator is also the owner by purchase of
the dower interest of the widow of the said
Elkanah Wynn decd, in the first mentioned
parcel of said land, and which dower was
laid off and assigned to the said widow.
Your orator will further show unto your
honor that Lavinia Tyler, formerly Lavinia
Wynn and one of the heirs of ^{said} Elkanah Wynn
decd, is the owner of the remaining one fifth
of said lands, subject to the dower aforesaid.
The said Lavinia Tyler is a lunatic, and her
brother H. C. Wynn has been appointed by the
County Court of said County, her Committee and

as such has charge of her said real estate.
Now the object of this bill is to have said
real estate partitioned between the said
Larinda Tyler & your orator, ~~if the same can~~
~~be done without injury to any one interested.~~
In tender consideration whereof, and for as-
much as your orator is remediless in the prem-
ises, save by the aid of a court of equity,
your orator prays that the said H. C. Wynn
Committee of the said Larinda Tyler be made
the party defendant to this bill, and required
to answer the same on oath; that the said
real estate be divided between the said
Larinda Tyler and your orator, and your ora-
tor's portion thereof ^{adjoining his other lands,} allowed to him, ~~and in~~
~~case the said real estate be indivisible,~~
~~that then he be forced to sell, and the~~
~~proceeds thereof be distributed among the~~
~~parties entitled thereto;~~ that proper process may
issue, and for all other further and general
relief: And your orator will ever pray &c.

Richmond & Orr, attys
for Complainant.

C. 7.49
S
Cours 9.00
at 15.00
Co C
8/17/87
6.00

James W Orr
vs Bill in Chy.
H. C. Wynn Committee
1886, Oct. Bill filed.
3rd accepted & D. Wynn
" Nov. D. Wynn Confds.
+ Cause set for hearing
" Nov. Decree for partition
+ Continued
1887, March Decree
Final

James W Orr

Deft.

vs

H. C. Wynn Committee of Laura Tyler
a lunatic.

In Chancery.

Deft.

This cause came on again this day to be heard upon the papers formerly read in the cause, and the report of L. M. Carnieal, H. C. Joslyn & Jesse & Miss Commissioners, who partitioned the land in the bill mentioned, filed March 8th 1887, and was argued by counsel, and said report ^{and plat therewith} having been filed the time required by law, and being unexcepted to ~~be~~ confirmed. On consideration whereof and pursuant to said report it is adjudged, ordered & decreed that the plaintiff, James W Orr, take and hold in fee, free from the claim of said Laura Tyler, the lot of land assigned him by said Commissioners and designated in said report and on said plat as, lot No 1, and that the said Laura Tyler take and hold in fee, free from the claim of the plaintiff, the lot assigned her by said Commissioners, and designated in said report, and on said plat, as lot No 2, and that the plaintiff recover from the defendant as Committee for said Laura Tyler, one fifth of the costs of this suit, for which execution may issue. And it is further ordered that the clerk of this Court deliver to the Clerk of the County Court of this County, the report of said Commissioners, together with a copy of the decree for partition and

a copy of this decree, to be by him recorded in the
book in his office kept for the recordation of deeds.
and the cause is stricken from the docket.

Virginia Lee county Court clerk's Office March 10th 1887.
The foregoing Plat and report of the partition of the lands
of ~~James W. Wynn~~ ^{W. E. Wynn} was this day filed in this office and
admitted to record.

Teste John R. Gibson. Clerk

James W. Wynn

vs. Decree

W. E. Wynn Committee &c.

Entered page 13

Enter this decree.

J. R. Gibson

Mar 30th 1887.

Virginia

At a Circuit Court Continued and held
for Lee County at &c, November 26th 1886

James H. Orr

Deft

vs
J. W. Chay

L. C. Hymn Court &c

Sgt

It is considered and decreed
that L. M. Carnical, H. C. Joslyn
and Jesse S. Mico Sr. who are
appointed Commrs. for the purpose,
do go upon said lands and lay
off and assign to the Plaintiff
four fifths of said land, and to
Lavina Tyler the remaining one
fifth thereof, having due regard to
quality and quantity and subject
to the dower aforesaid And in
making said partition said Commission-
ers will lay off and assign to the Plaintiff
his entire interest in said land in
one body and adjoining his other
land, on which he now resides, if
the same can be done without
material injury to the ^{interests} rights of
said Lavina Tyler, said Commrs.
will report their action to the
Court

A Copy

Lester J. Hyatt

James W. Orr

vs { Copy of record

F. C. Myer court

To be given Pitt. Co.

Comm. Fees

L. M. Carnical 3 days @ \$2.00 per day = 6.00

H. C. Gaslynn 1 " " " " 1.50 B by Ref.

Jesse S. Muir 1 " " " " 2.50 B by Ref.

4.00

James W. Orr
vs ³/₃ Comrs. Report
of Partition
J. C. Wyman Comr, &c

Filed Mar. 8/1887.

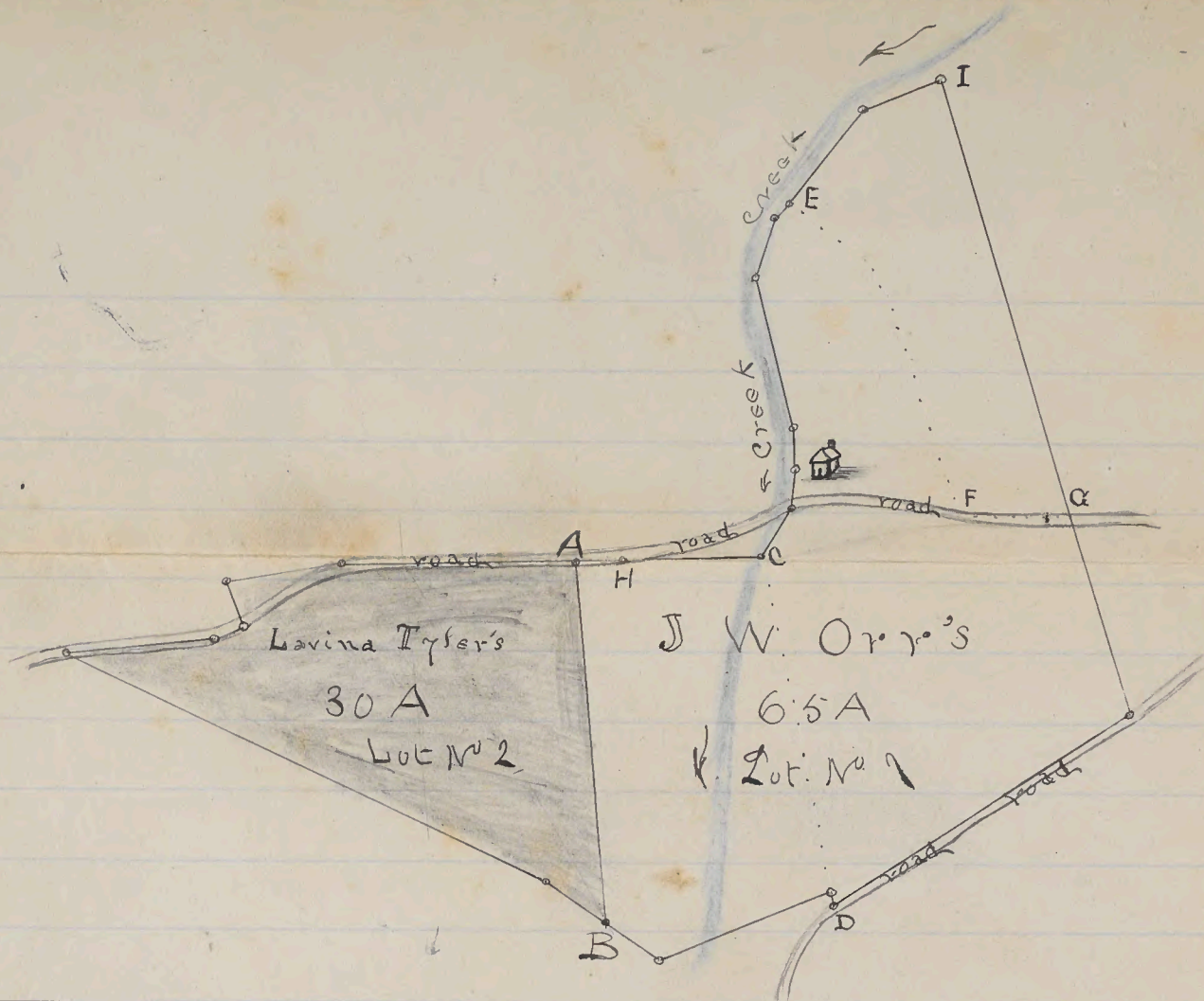
J. H. Hyatt &c

Recorded Deed

Book 24 P. 17

J. R. Gibson, Ck.

This Plat is Recorded
Page 24.



James W Orr Plff {
vs { In Chy.
F.C. Wynn Committee
of Lavina Tyler Deft }

Pursuant to an order of the Circuit Court of Pee County Va. dated Nov^r the 26th 1886 we the undersigned Commissioners F. M. Carnichael & C. Goshyn and Jesse S. Wise Jr. have partitioned the land set forth in said order according to the following Plat & Report. - We found the total number of acres to be 95. and composed of a part of the Dover lands of the widow of Elknoch Wynn shown by dotted line C. D. E & F G - by the lands N. E. of line E F that descended from Elknoch Wynn - by the lands west of line C. D that descended from John Wynn - We have laid off and assigned to James W. Orr Plff - Lot No 1 which we regard

equal in value to four fifths the lands mentioned in bill, taking into consideration quantity, quality &c - said Lot adjoins the other lands of said James W Orr and bounded as follows Beginning at (A) a stake in the main valley road west of the mill & East of Wools store thence with road N 86 1/2 E 10 poles to (H) a stake corner to (Lot No 1 in the original partition of these lands) and with a line of the same N 86 E 28 poles to a stake on the East side of the creek thence up the same as it meanders N 31 E 10 poles N 8 E 7 3/4 poles N 4 1/2 W 8 poles N 15 1/4 W 31 poles N 16 1/2 E 12 poles N 31 1/2 E 4 poles to (I) a stake near the spring corner to Dover - N 38 1/2 E 24 poles to a stake N 61 E 16 poles to (1) sd J. W. Orr line and with the same S 18 1/2 E 132 poles to a stake in the river or Mulberry Gap road & with the same S 55 W 69 1/2 poles to (D) a stake on line of the Fort Jackson Lat and with a line of the same N 14 W 8 poles to a stake at a fence corner to sd lat - thence with line of same & fence S 66 3/4 W 37 1/2 poles to a stake in line of Aches Wynn's land (a line of Lot No 1 in original divide) and with lines of the same N 57 1/2 W 10 1/2 poles to (B) a stake - thence N 6 W 76 poles to (A) the Beginning - Containing 65 Acres be the same more or less - We have laid off and assigned to the Deft.

in value
Lamma Tyler the remaining one fifth of
the lands heretofore described - said one fifth
(we mark Lat- No 2) and is bounded as
follows - Beginning at (A) a stake in main
valley road - a corner to Lat- No 1. thence with
line of the same S 6 E 76 poles to (B) a stake
on Ales Wynns line - the original line of parti-
tion - & with the same N 57 1/2 W 12 1/2 poles to a black
oak - original corner N 63 1/4 W with original line
103 poles to public road and with the same
N 83 1/4 E 22 poles to a stake in front of Sarah
Goods house - and with line of said Goods
Lat- N 65 1/2 E 6 1/3 poles N 24 1/2 W 10 poles to a stake
on a line of Ales Wynns land and with
line of sd Wynns land N 81 3/4 E 22 1/2 poles
to a stake in the edge of sd road N 86 1/2 E 46 1/2
poles to (A) the Beginning - Containing
30 Acres by the same more or less - We also
assign to this Lat the full privilege of ob-
taining water for house-hold purposes at the
spring on Lat- No 1 - being the same spring inclu-
ded in dower by partition of these lands Nov 8 1866 -
~~We~~ assign this Lat- No 2 to said Lamma Tyler it being
her entire interest in all of said lands
and including her reversion to the dower upon the death of her
mother Ales Wynns - And ~~giving to the~~ giving to the
sd James W. Orr exclusive right & title to all the lands embraced
in Lat- No 1 - Respet-submitted
Jan 4th 1887

S. M. Cornucal
H. C. Joslyn
Jesse S. Mize } Com.

THE COMMONWEALTH OF VIRGINIA,

TO THE SHERIFF OF LEE COUNTY—GREETING:

WE COMMAND YOU to summon

F. C. Hyatt, Committee
of Lawrence Tyler a defendant

to appear at the Clerk's office of the Circuit Court of Lee County, at the Court House, on the first
Monday *October* next, being Rule Day, to answer a Bill in Chancery exhibited in our
Court against *him*, by

James M. Orr

And have then and there this Writ. Witness, J. A. G. HYATT, Clerk of our said Court, at the
Court House, this *9* day of *Octo* 188*6*, in the 1*10* year of the Commonwealth.

J. A. G. Hyatt Clerk.

A COPY--TESTE:

(OR & C)

James H. Orr

vs $\frac{1}{2}$ Spa in Chcy

H. L. Wynn Comr. &c

To October Rules 1886

I accept legal Service
of the within Writ.
Oct 4th 1886.

H. L. Wynn, Committee
for Lavinia Tyler,

By James H. Orr, his atty.